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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,815	10/14/2003	Miguel Angel Gutierrez Ponce	12303-3	1688
757	7590	12/06/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			LAUX, JESSICA L	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/684,815

Applicant(s)

PONCE, MIGUEL ANGEL  
GUTIERREZ

Examiner

Jessica Laux

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 3 is/are rejected.
- 7) ☒ Claim(s) 1-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the slightly elliptical shaped ridge and groove of the second "L" shaped profile must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an

amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

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The disclosure is objected to because of the following informalities: The skirt depicted as element 3, page 6, line 19 is not shown in the drawings. Also the sixth paragraph under Preferred Embodiment of the Invention describes a ridge and groove having cylindrical shape and then line 16 refers to "the non-cylindrical" ridge and groove. It is unclear what the non-cylindrical ridge and groove are as they are not previously disclosed or shown in the drawings.

Appropriate correction is required.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: There is an inconsistency with the preamble and the rest of the claim. The preamble discloses a sub-combination of a support for blind cases, the claim further discloses the combination of attachment to a ceiling vault or wall in lines 8-9 and 13. It is unclear what the applicant claims to be the invention. The examiner will interpret the invention to be the subcombination and examine accordingly. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: Claim 1, in lines 9 and 11 use the term "its" to refer to an aspect of the invention. It is unclear to which aspect of the invention "its" refers to. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: Lines 21 and 23 refer to an "almost -cylindrical" shape. It is unclear what almost-cylindrical is. The examiner suggests using the term arcuate to replace almost-cylindrical. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: A structure cannot be shaped like a cylinder and then also shaped like an ellipse as is claimed by having Claim 3 depend from Claim 2. The examiner suggests replacing the term almost-cylindrical with the term arcuate. Also, in Claim 3, line 26 the phrase "aforementioned ridge" is used, however the term ridge is used in Claim 1 line 12 and Claim 2 line 22 for two separate elements. It is unclear which ridge is the aforementioned ridge. Appropriate correction is required.

Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergeron (6659154) in view of Shopp (6111694). Bergeron teaches a structure having two "L" shaped members (Figure 5, elements 18 and 62). The structure has a latching surface allowing for the distance from the mounting surface to be adjusted (Col. 4, lines 56-57 and 60-61). The structure is adapted to be attached to a wall with screws (Col. 4, lines 65-67).

In regards to Claim 1: Bergeron does not teach a structure in which one of the two "L" shaped members is comprised of two articulating sectors. Shopp teaches an "L" shaped structure having articulating members (Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure as taught by Bergeron with the articulating members as taught by Shopp because it allows easy removal and/or access to the device installed inside the invention.

In regards to Claim 2: Shopp teaches a structure as in Claim 1 in which one member of the two articulating members has a groove in a cylindrical shape and the other member has a cylindrically shaped hook for attaching with the groove (Figure 3).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergeron (6659154) in view of Shopp (6111694) and further in view of Cheng (6772905).

In regards to Claim 3: Bergeron in view of Shopp teaches the structure as above. Bergeron in view of Shopp does not teach a structure in which the hinge elements, the groove and ridge, are slightly elliptical. Cheng does teach a hinge (Figure 6) in which the ridge is slightly elliptical in shape (Figure 5, elements 222 and 2221), and the groove is slightly elliptical in shape (Figure 4, element 213). The hinge structure as taught by Cheng is thusly designed so as to keep the hinge in a locked position when in the open position (Figure 7; Col. 2, lines 8-12 and Col. 5, lines 23-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure as taught by Bergeron in view of Shopp with the structure as taught by Cheng so as to allow the hinge to lock in the open position.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JL 11/28/05



Carl D. Friedman  
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